

<u>REAL PROPERTY</u>										Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)		V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Total	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
785.	\$500.00 in lieu of general award									500.00
<u>PERSONAL PROPERTY</u>										
Motor Vehicles		Boats and Boat Gear								
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Recorded Now Missing	45% of amount in next preceding column			
<u>NETS</u>										
Total award for Nets plus Sale Price		Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing		Percentage Total Award to Total Claim		Claim for Nets Sold Declared Not Found, & Recorded Now Missing		Apply % ratio to Claim	Deduct Custodian Sale Price	
<u>MISCELLANEOUS CHATTELS</u>										
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION									500.00	

CASE NO: 140.

JAPANESE PROPERTY CLAIMS COMMISSION.

Vernon, B. C.,
February 16th, 1948.

IN THE MATTER OF THE CLAIM OF
ATSUSHI TOYOFUKU.

PROCEEDINGS AT HEARING.

Original.

IN THE MATTER OF THE "INQUIRIES ACT"
PART 1, REVISED STATUES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(THE HONOURABLE MR. JUSTICE H. I. BIRD, COMMISSIONER).

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Vernon, B. C.,

February 16th, 1948.

IN THE MATTER OF THE CLAIM OF
ATSUSHI TOYOFUKU.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HUNTER, Esq., appearing for the
 Dominion Government.

R.J. McMASTER, Esq., appearing for the
 Claimant.

A. WATSON, Esq., Secretary.
 D.J. HANDFORD, Esq., Official Interpreter.
 T.P. HORROBIN, Esq., Official Reporter.

30

A. Toyofuku,
In Chief.

MR. McMASTER: Might I have the claim form, please,
Mr. Secretary.

ATSUSHI TOYOFUKU, the claimant herein,
being first duly sworn, testified
as follows:

DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, is this your signature on this claim
form, and did you make that declaration?

A Yes, sir, I did.

10 Q I think maybe we can get along in part in English,
Mr. Handford. Witness, what was your occupation
before you were evacuated?

A Gardener.

Q What sort of business did you carry on at the premises
with respect to which you are making the claim?

A Carrying on flowering shrub business and azalea
garden and garden products.

Q In addition to his business of gardening he was
carrying on a flowering shrub business mainly
20 in azaleos.

THE COMMISSIONER: Q: A nursery business, was it?

A Yes.

MR. McMASTER: Q: I produce to you a certificate.
Was that certificate issued to you?

A Yes, they did, yes. One springtime when the
azalea show is on at 41st East and Fraser at
the Horticultural Hall, I was asked to put in
azaleos for display so I brought about fifty
pots of azaleos to show them and when the show
30 was over, the president gave me that certificate

A. Toyofuku,
In Chief.

with very much appreciation.

MR. McMASTER: I don't intend filing this, my lord, but this is a certificate of the British Columbia Tulip Association, the annual spring flower and tulip show, May 12th, 1939, a gold medal certificate awarded to this claimant for his display of azaleos, and it purports to be signed by the president and secretary, and sealed.

10 Q Witness, did you instruct me to prepare a statement with regard to your property and is this the statement? A: Yes, I did.

Q Would you be good enough to sign it with your ordinary signature? Are the contents of that statement true to the best of your knowledge and recollection? A: Yes, sir.

MR. McMASTER: My lord, I would like to draw attention to this statement, but the reporter doesn't need to take it down.

20 THE COMMISSIONER: Incidentally this nursery business of Toyofuku's was carried on at his home at the property with respect to which the claim is made.

MR. McMASTER: Yes, that is what he said, my lord. (Reading). Perhaps my friend will admit an appraisal for \$900.00 on these premises and the property was sold to the tenant on May 14th, 1945, for \$795.00. (Reading). Perhaps my friend would be good enough to admit the two dates and amounts of the appraisal being made in 1943 -- July 19th, 1943, for \$900.00 and the property was sold on 30 May 14th, 1945, to the tenant for \$795.00.

A. Toyofuku,
In Chief.

MR. HUNTER: Was it \$795.00 or \$785.00?

MR. McMASTER: \$795.00, I think.

THE COMMISSIONER: The sale in this instance was substantially less than the appraisal, was it?

MR. HUNTER: About \$115.00, my lord.

MR. McMASTER: And two years later.

Q Now, witness, I produce to you a picture. Does that show the front of your house?

A Yes, it does. This picture is taken in front of my house in 1939.

Q Was that before or after you had put in your cement walk?

A: Before I put in the

cement walk.

Q And you don't always have all those flowers there, is that right?

A: Yes.

Q Is this a picture of your premises?

A Yes.

Q Taken when?

A: This is taken 1940

but just before the cement walk is put in.

20 Q And this is also a picture of your premises showing the greenhouse particularly?

A Yes. It was part of my garden.

Q Taken about the same time? I ask to file those three pictures as one exhibit.

(PHOTOGRAPHS MARKED EXHIBIT NO. 2).

THE WITNESS: May I speak, Mr. McMaster?

THE COMMISSIONER: Yes. What have you in mind?

A Mr. McMaster mentioned to me the size of the walk I put in is fifty inches wide, but it is thirty inches wide.

A. Toyofuku,
In Chief.

Discussion.

MR. McMASTER: Q: Thirty inches, it should be?

A Yes.

MR. HUNTER: What is that?

MR. McMASTER: The sidewalk is 30 inches instead of
50 inches. Your witness, Mr. Hunter.

10 MR. HUNTER: It is submitted, my lord, that this property
was sold at its fair market value. Insofar as
the azaleos are concerned they were undeclared
and not found and never sold unless they happened
to go with the property and were still there at
that time.

THE COMMISSIONER: Of course that is something that the
appraiser might have observed.

MR. HUNTER: He might have observed them if they were
there, my lord. The appraisal was made a year
after the chap had gone.

THE COMMISSIONER: Yes.

20 MR. McMASTER: My lord, before my friend proceeds, I
am sorry, but I had meant to file two letters.
Perhaps I ought to do it now so you will have the
opportunity of cross-examining on them, Mr. Hunter.
They are two letters from the tenant.

THE COMMISSIONER: Very well.

MR. McMASTER: Q: Witness, can you identify these two
letters?

A: Yes, I do.

Q What are they?

A: This is from Mr.

Robert Boyer, my tenant.

Q And you received them from him?

A Yes.

30 MR. McMASTER: These are two letters, my lord, one

A. Toyofuku,
In Chief.
Discussion.

dated August 31st, 1941.

THE COMMISSIONER: What is the purpose in filing them,
Mr. McMaster?

MR. McMASTER: My lord, the purpose in filing them is
to substantiate certain statements that have been
made with regard to repairs and also certain state-
ments or references that are made in there of the
care of the premises by the tenant. I don't know
whether I can find this man now or not. It will
10 be my obligation to try to, I think.

THE COMMISSIONER: There is no need to read them. You
can file them and they will be available once
the Government's case goes in.

MR. McMASTER: One letter is dated August 30th, 1941,
and the envelope it is in is dated September 1st,
1942. I presume the tenant was a little before
himself there. I will file the envelope with it,
and the other is a letter dated October 21st,
1942.

20 MR. HUNTER: They are going in as one exhibit, are they?

MR. McMASTER: Yes.

(LETTERS MARKED EXHIBIT NO. 3).

THE COMMISSIONER: Yes, Mr. Hunter. Your defence is
the sale was at the fair market value?

MR. HUNTER: And no declaration or no knowledge of these
plants, my lord.

THE COMMISSIONER: Oh yes.

MR. HUNTER: May I see Exhibit 3, please?

A. Toyofuku,
Cross-Exam.

CROSS-EXAMINATION BY MR. HUNTER:

Q Witness, do you know whether that is the writing of your tenant as well?

A I don't know, sir.

Q You don't know. This, my lord, is a letter from the tenant to the Custodian. It seems to be a very different picture from what he has been writing to the claimant.

A I might say at Mr. Boyer's house when I went over there before my evacuation, I saw one or two other people living together, you know. I don't know whether they stay long or not or for a short time.

Q I didn't get that. You will have to speak more clearly.

THE COMMISSIONER: He said one or two more people living there together.

Q There were two families living there, is that what you mean?

A: It may be two families living there or a family visiting and I don't know what relation between them or anything at all, but I had two letters and one letter I give to Mr. McMaster was different writing to the other. Of course that one, I don't know who write that.

MR. HUNTER: I don't know whether you wish to take this for later identification or not.

THE COMMISSIONER: I didn't understand whether the witness identified it or failed to identify it.

MR. HUNTER: He said he didn't know.

THE COMMISSIONER: He doesn't know? Well, can you undertake to prove it? You can file it now if you

A. Toyofuku,
Cross-Exam.

are prepared to undertake to prove who wrote it.

MR. HUNTER: I will undertake to prove it, yes, my lord.

I can produce someone from the Custodian's office to prove they received this letter purporting to come from the tenant and purchaser.

THE COMMISSIONER: I think that is rather doubtful identification.

MR. HUNTER: I presume that the purchaser is still there and we can produce him.

10 THE COMMISSIONER: Is there any special reason for you putting it in now rather than when the time comes for your defence?

MR. HUNTER: No, except that I am not sure whether this chap is still available, and I think it is of interest to the Commission. It may not be within the strict rules of evidence but it certainly gives a drastically different idea of what he thought of the house rather than what my friend alleges he told the claimant.

20 MR. McMASTER: What is the date of it?

MR. HUNTER: April 17th, 1945.

MR. McMASTER: Prior to his purchase of the premises? I would certainly want to cross-examine on that.

THE COMMISSIONER: Yes, I have no doubt you would.

There is some significance to be attached to the fact there was a sale at less than the appraisal. I think in the circumstances it is better to wait until you are putting in your defence.

MR. McMASTER: Very good, my lord.

30 MR. HUNTER: Q: Mr. Toyofuku, this bathroom of yours,

A. Toyofuku,
Cross-Exam.

was it in the main house or in the lean-to?

THE COMMISSIONER: The which?

MR. HUNTER: The bathroom, my lord.

A That bathroom?

Q The bathroom. A: The bath-
room is at the back of the house.

Q In a lean-to, was it? A: Yes,
close to the lane.

Q I am sorry, my lord, but what did the witness say?

10 A Close to the land. The back side of the house.

(Question Interpreted).

A Oh yes, it is in the house, of course. That is the
bathroom. I made it after I bought the house.
There was no bath in it when I bought it.

Q What was in the lean-to? Wasn't there a lean-to?

A That bathroom facing the lane .

Q There is a main house, isn't there?

A Yes.

Q And it is 20 x 22? A: No, I
20 think larger than that.

Q And attached to it is a lean-to, 12 x 22?

A Yes.

Q Isn't that right, the main house is 20 x 22 and
the lean-to 12 x 22?

(Question Interpreted).

A Yes.

THE COMMISSIONER: Now, let us have the whole of it.

What is the effect of his answer, Mr. Interpreter?

THE INTERPRETER: The question was, was there a lean-to?

30 MR. HUNTER: Q: No, the question was, was the house

A. Toyofuku,
Cross-Exam.

20 x 22 and the lean-to, 12 x 22? I don't want him to verify there is a lane, but I want to verify the dimensions. A: He verified it.

Q The dimensions are correct, are they?

THE COMMISSIONER: Q: Just one moment. Will you put the question to him again so there is no possibility of misunderstanding between counsel and the witness?

A He thinks the main house is 20 x 22.

MR. HUNTER: Q: And the lean-to?

10 A Yes, including --

Q Yes -- what?

THE WITNESS: A: A garage and main house and garage all collected together under the same roof.

THE COMMISSIONER: Witness, will you kindly make your answer in Japanese to the Interpreter so that these answers can be understood?

MR. McMASTER: My lord, I think this word "lean-to" may be causing him some difficulty. That is my friend's word for it. If he will say exactly what he means by a lean-to and have it interpreted, perhaps we can get somewhere.

20

THE COMMISSIONER: That is the root of the difficulty. You have not a photograph of this house that shows the lean-to, or whatever you term it?

MR. HUNTER: Q: Ask him whether there is an extension of the house, 12 x 22? Witness, is there an extension of the house 12 x 22?

THE INTERPRETER: A: There is no separate structure.

Q The main house then, and the only structure you say there is, is 20 x 22 feet, is that correct?

30

A. Toyofuku,
Cross-Exam.

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THE WITNESS: A: In fact, I didn't measure it exactly since I bought it, how many feet wide, or how many feet long, but if it is said 20 x 22, I think that is correct. That is the right size, I think.

Q And the garage was separate, wasn't it?

A Yes, garage separate.

Q It was 14 x 15 feet, is that right?

A Yes, that is right, just about that.

10

Q And the main house which you say is 20 x 22, you have four rooms and a bathroom, is that correct?

A Yes.

Q How big were the rooms? What was the size of them?

A Well, it had been separate like that, you know -- living room is the largest, you know.

Q How big was it? A: I didn't take the exact measurement of that, but the living room is from the front porch, and both sides bedrooms-- two bedrooms there and the back is the kitchen and the bathroom was next to the kitchen.

20 Q They were very small rooms, I judge, were they?

A Yes, are small rooms.

Q Very small, I would say. A: Yes, I think smaller, kind of like a hotel room.

A little larger than the room in the Kalamalka Hotel. One room here is just about the size of my bedroom.

Q I don't think that enlightens us very much.

THE COMMISSIONER: We have a house 20 x 22. Four rooms are not going to be of a very large size.

30 THE WITNESS: Just small rooms.

A. Toyofuku,
Cross-Exam.

MR. HUNTER: Q: Very small rooms. In that bathroom you had a tin tub, is that right?

A Yes, that is right.

Q The foundation, stone and wood blocks, is that correct?

A: Yes.

Q Windows, no sash cords? A: I beg your pardon?

Q The windows had no weights or sash cords?

A Oh yes, sash windows.

Q They had sash cords? A: Yes.

10 Q I see. The garage had a poor roof -- correct?

A Yes.

Q The exterior needed painting?

A I did paint it.

Q When? A: 1939.

Q This was May, 1943, which was four years later.

I think you will concede it needed painting again?

A It needed painting, I suppose, after.

Q One post was rotten, or do you know?

A For most part before evacuation, I fix up myself
20 but probably I missed some part not fixed up yet.
That is what Mr. Boyer wrote me, so I didn't tell
him to do it.

Q The greenhouse had wooden sills?

A I beg your pardon?

Q The greenhouse had wood sills. Not metal, but wood?

A: Just wood, yes.

Wood frame and glass and painted inside and outside.

Q I beg your pardon? A: Painted inside and

30 outside all over.

A. Toyofuku,
Cross-Exam.

Q When was that? A: Since I made it. I built it in 1939.

Q In 1943 the appraiser says it needs paint and putty. I suppose that would be true at that time?

A Yes. Usually greenhouse needs painting every three years, otherwise plant inside the greenhouse doesn't grow very much.

Q The last time you painted it was in 1939, is that correct?

A: Yes, I painted.

10 Q The insurance on the place was \$500.00?

A Yes. I must explain that. I would like to put more insurance on that, but Mr. Gould was my attorney at my evacuation in Vancouver and he said at that time the feeling towards the Japanese is very tough and most insurance companies wouldn't take any insurance on Japanese houses at that time.

Q When was this? When was that?

A When I was evacuated.

Q That was in 1942, was it?

20 A Yes.

Q What about in 1939? A: 1939, I just carry on. The former house owner got that and I carry on the same insurance as it was.

Q You never thought of putting on any more then?

A Yes, that is what I was going to do.

Q I beg your pardon? A: That is what I was going to do, to tell you now.

Q In 1939, you never thought of increasing it?

A No, just the same insurance I carry on.

30 MR. HUNTER: That is all, my lord.

THE COMMISSIONER: Is there any re-examination?

RE-DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, why were you anxious to increase it in 1941 or 1942, rather, when you were being evacuated? Why did you want to increase your insurance then?

A I beg your pardon, I didn't get you.

(Question Interpreted).

10 A Because after I bought my house, I spent quite a lot of money on it fixing the house, you know. For instance, I built bathroom.

Q Yes, we have that statement.

A And naturally I should put more money on the insurance than the other fellow did before.

Q Would you just draw a little sketch of your house and the garage on this piece of paper?

A Just the house?

Q Just the house and the garage.

20 A I am a landscape gardener, but the house roughly --looking at it from the front?

Q Square or oblong, whatever it is, looking down? This is the front of the house, is it?

A Yes.

Q What did the back look like, that is what I am interested in. Let me put it thisway. Was the house more or less square or was there any part of it that jutted out from the house?

A Yes, that way (indicating). The back of the house -- I had better draw it sideways.

30 THE COMMISSIONER: Are you concerned about the lean-to

A. Toyofuku,
Re-Direct Exam.
Re-Cross Exam.

situation?

MR. McMASTER: Yes, this extension. This is a new one on me, and I would like to know about it myself.

THE COMMISSIONER: Is there any significance attached to it in terms of value?

MR. McMASTER: It is just the question of size, my lord.

MR. HUNTER: I was wondering whether it was a separate lean-to or whether there were rooms in the lean-to? I was wondering about the size. If it is all in the main building, it is pretty small.

10

THE WITNESS: Here is the kitchen and bathroom here (indicating), not the same roof.

MR. McMASTER: Q: Are the kitchen and bathroom added on to the back of the house?

A Yes.

Q And how big an area is that? How large approximately; have you any idea?

A Not very large. Just the kitchen and dining room, the same room, and the bathroom this way (indicating).

20

Q Are the kitchen and the bathroom in this extension or is the kitchen partly in the main house and partly in the extension?

A In the extension, but I put the partition in.

THE COMMISSIONER: Well, that solves it, then. The kitchen and bathroom are in the extension.

MR. McMASTER: Yes, my lord.

MR. HUNTER: My lord, I wonder if I could clear up one point. I think the witness perhaps misunderstood this.

30

RE-CROSS EXAMINATION BY MR. HUNTER:

Q Witness, in the appraisal given by Johnson, Reeves & Watson, they say in it that there are no sash cords. They didn't say, "no sashes", they say there are no sash cords in the windows.

(Question Interpreted).

A No, no sash cords.

Q No sash cords, that is what I want to be sure of. Then you put no improvements on the property after 10 1939 or 1940, did you?

A Yes, I did. I was asked by tenant to fix up one thing and another. That means for plumbing and toilet leaking again.

Q I can't get that. A: Or the roof leaking.

Q The toilet leaking? That is not improvements, that is repairs. I asked if you put any repairs in.

A No, I didn't do myself, but Mr. Boyer made them. He made no improvements himself, but he understands 20 Mr. Boyer did, and there was also expense. I paid for material but he do the labour himself.

THE COMMISSIONER: That is all, thank you.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings herein.

J. P. Horrobin
"T.P. HORROBIN"
Official Reporter.

Case No 140

NOTIFIED

DEC - 2 1947

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner,
Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

ACKNOWLEDGED

2040

Vernon

Pursuant to the notice issued on the 26th day of September, 1947, I submit the following claim:

(1) NAME Toyofuku ATSUSHI (RCMP) Reg. No. 3303
(Print) Surname Given Name

(2) Pre-Evacuation Address 8645 FREMLIN ST, VANCOUVER, B.C.

(3) Present Address R. R. 2 VERNON, B.C.

(4) REAL ESTATE

(a) Street Address (if any) 8645 FREMLIN ST, VANCOUVER, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
LOT. 15/V/7-10
BLK. C
D.L. 319.324 & PT. 323

(c) Type of Real Property (cross out words which do not apply):

- (i) ~~Farm~~
- (ii) Residence Type of business
- (iii) ~~Business~~
- (iv) ~~Any other type of property (describe)~~

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) SOLE OWNER

(e) Fair market value at date of sale (estimate this to the best of your ability):

- (i) Land - - - - - \$
- (ii) Buildings RESIDENCE, GREENHOUSE - - - - - \$ SOLD BY THE CUSTODIAN MAY 1945
- (iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - \$
- (iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 2520.00
- (v) Amount at which Custodian sold property and credited your account - - - \$ 712.60
- (f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 1807.40

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
NIL

(c) How stored or packed at time of evacuation NIL

(over)

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care")

CUSTODIAN CARE

(e) Itemized description of personal property which is the subject of the claim:

- | | | | |
|-----|-------|--------------------|-------|
| 1. | _____ | Estimated Value \$ | _____ |
| 2. | _____ | Estimated Value \$ | _____ |
| 3. | _____ | Estimated Value \$ | _____ |
| 4. | _____ | Estimated Value \$ | _____ |
| 5. | _____ | Estimated Value \$ | _____ |
| 6. | _____ | Estimated Value \$ | _____ |
| 7. | _____ | Estimated Value \$ | _____ |
| 8. | _____ | Estimated Value \$ | _____ |
| 9. | _____ | Estimated Value \$ | _____ |
| 10. | _____ | Estimated Value \$ | _____ |

TOTAL CLAIM FOR PROPERTY LOSS \$ _____

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - - - - - \$ 1807.40

(6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.) (b) Do you require the services of an interpreter at the hearing? Yes or no NO

VERNON PREFERRED

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA)
Province of British)
Columbia TO WIT:)

I, Atsushi Toyofuko of the R.R. # 2,
of Vernon in the Province of British Columbia

DO SOLEMNLY DECLARE THAT:
The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

DECLARED before me at the City)
of Vernon)
in the Province of British Columbia)
this 18th day of November)

A. Toyofuko

A.D. 1947. Ledney Inger A Notary Public in and for the Province of British Columbia A Commissioner &c.

N.B. — THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C., BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.

ATSUSHI TOYOFUKA
(Claimant's Name)

REAL ESTATE
(Other than farm)

EXHIBIT No. 140/1
DATE 26/3/48
FILED BY Mr. Marks

03303.
Reg. No.

Type of Premises (e.g. House, Store, etc.)	No. of Rooms	Type of Finish	Use of Premises	Size of Lot	When Purchased	Date of Purchase
House 8645 Franklin St. Vancouver (1 block east of Oak between 70 th & 71 st Ave. Marpole)	4 and bathroom Garage 14' x 15'	Cedar siding, Shingle roofing frame structure	Dwelling House (Used by me for nursery business)	50' x 110'		Jan 1938
Type of Locality	Cost Price	Improvements made by Claimant		Estimated Value	Date of Sale	

Residential
\$650⁰⁰

- Spring 1939 made a bathroom & put in
 - ① fittings (now when purchased)
 - ② Repaired front steps
 - ③ Fenced & renewed foundations under the whole house.
 - ④ Replaced some of the rafters in the roof.
 - ⑤ Painted the whole house
 - ⑥ Repapered the whole inside
 - ⑦ Built in cupboards & air cooler in the kitchen.
- 1939 Built green house 14' x 24' at a cost of \$275⁰⁰
- 1939 or 1940 Put in flag stone & red cement walk 50" x 90'
- 1941 Painted front fence.

Don't want
cost
\$2500⁰⁰

Comments re upkeep of premises:
When I left I arranged with the tenant to reshingle the roof. I was to pay for the shingles & he was to put them on. I was subsequently advised that he did this & was debited. The custodian charged me about \$35⁰⁰ for repairs in Dec 1943. He did not advise the nature of repairs.

Comments re Appraiser's report not covered above:
At the time of evacuation more than a dozen people wanted to buy or rent my house but I did not want to sell & it would not rent until I ~~found~~ found someone who would care for the place. I finally found a young couple Mr & Mrs Bowyer who appeared suitable. I rented it to them at a very low rent \$12⁰⁰ per month unfurnished on the condition that they would give real care to my property, garden & greenhouse and from all reports I've had they did so.

I understand Mrs Bowyer built a room in the garage. He did not first obtain my permission. From his letter to me reporting he did not appear to consider that he was entitled to any compensation for this. With respect to the electric wiring I had a letter from the tenant asking me to bear half the cost. He indicated that the cost would be small. I advised him that in view of the cheap rent & the repairs I had already done I could not assist him.

note 1. The appraisal was made July 19/43 - the property sold (to the tenant) May 14, 1945. when land values were up.
2. The appraiser makes no mention of the special plants on the premises.
3. The roof had been reshingled in 1942 by the tenant at my expense.
In all the circumstances I consider the value of \$500 fair

When I purchased the premises there was only an ordinary garden. I landscaped the garden and cultivated it for the purposes of a nursery. When I left I left about 20 Agalcos, (some which I specialised) on the premises of special varieties which I wished to keep to get started in business again when I got back. They were worth at least \$650 each or a total of \$1300⁰⁰. In addition I left a number of other plants, trees & shrubs & some potted plants in the greenhouse. (I had sold most of my stock at forced sale for \$1225⁰⁰)

A. Toyofuka
SIGNATURE



EXHIBIT No.

140/3

DATE

16/2/48

FILED BY

4

3

McMaster



43 EXHIBIT

NO

140/2

DATE

1939

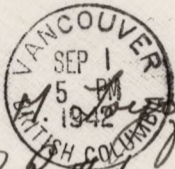
16/2

149

FILED BY

McMaster





Mr. *M. J. J. J. J.*

R.R. #1

c/o Mr. A. Robinson
Winnipeg Man.

EXHIBIT No.

140/3

DATE

16/2/48

FILED BY

Inc. Master

R. Bowyer
No 45 - Franklin St.
Van. B. C.

EXHIBIT NO. 140/3 Aug 30/41
DATE 16/2/48 8645- Tremblin
FILED BY McMaster Van. B.C.

Dear Togo:

Received your card last week and am fully glad to hear you settled.

Well it won't be long till winter sets in again, I guess the winters back there will seem pretty cold to you at first.

I seen Mr. Gurd about the rest of the shingles. If you remember the wife only ordered 5 bundles instead of 6 squares. I ordered the rest of the shingles but they havnt come yet. I'm going down to-morrow again so I can finish my roof & repaper the kitchen again.

I've been working in the garden all week and have it in very good shape again.

How is Miss Toyafuka & the little girl? Hope they like Winnipeg.

My wife is going away for a couple of weeks so that will give me a chance to do the kitchen over again.

Do you want me to send those plants Togo? If theres anything

else. you want I'll be glad
to do it.

I've started taking cuts of the
Azaleas. and putting them in
sand in the greenhouse.

I sure have a wonderful
crop of Tomatoes & cucumbers.
My sweet peas are admired
by everybody. Next year
I'm going in for shrubs

The back roof was sure in
bad shape. The shingles were
all rotten & so was the boards
underneath. I had to put
new boards on but I used
the ones out of the lumber
you left me.

Well Toys hope this finds
you all in the best of health
will write you more prompt
the next time.

Yours. Sincerely
Bob.

EXHIBIT No. 140/3
DATE 16/2/48
FILED BY Mr. Master

Oct 21/42

8645 - Fremble St.
Van. B. C.

Dear Toyo:

Sorry I haven't wrote sooner, but you know how busy one gets.

There seemed to be some misunderstanding about the roof but it's all settled now. I guess Mr. Gurd misunderstood me or me him.

About those plants Toyo I was away from here quite a bit at the time. My wife went up to Fernie for a month's holiday & when I finally got around to it, that gentleman you mentioned came around & told me to never mind about the plants as he was sending you some & I told him you would have some of those berry plants etc. but he said to never mind as he was sending them himself.

And if you remember Toyo the only rakes that were left here were all those worn out ones & he said they were no good. We loaded them all on the truck the day you moved if you'll remember. In fact you even took the new one I thought. (Ha Ha).

I'm fixing up the garage Toyo. I'm making another room out of it. I didn't think you would mind as it will make a large improvement on the house & give us a little more room.

I'm putting that siding on the outside @ \$40. per 1000 ft. & a floor and that Ace Tex wall board on the inside. It makes a very smart room and

I'm doing it all at my own expense so I didn't think you would mind. For the lumber doors and all the materials it's costing me \$75.⁰⁰ so you can see it will be a nice room.

I had the Insurance man up to insure my furniture & he said that it's dangerous with these electric lights shorting.

I know you've put out quite a little money Toys but the light in the kiddies bedroom & the kitchen & bathroom lights have gotten to the stage where they are dangerous.

I'd fix them myself if I could Toys but I'm doubtful if I could do it properly so would you mind okaying it to fix them if I go half of the cost with you.

I would like to get a electrician in to check the lights & fix those that are dangerous, myself I don't think it would cost very much.

I've painted and done the kitchen & bathroom all over again and it sure looks nice. The walls & ceiling are all Ivory & the woodwork is lighter with red trim. It's sure looks nice Toys.

How are all the family, say hello to the wife for my wife & myself. I was thinking I'd send you some plants & stuff anyways Toys, cause you can use them there.

Wishing this finds you all in the best of health.

Yours sincerely
Bob.